IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:12CV455

DOMINIC A. SIMPSON,)
Plaintiff,)))
vs.) ORDE
CAROLYN W. COLVIN, Acting Commissioner of Social Security,)))
Defendant.)))

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David C. Keesler, filed August 23, 2013. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. Plaintiff timely filed an objection.

After an independent and thorough review of the magistrate's memorandum, Plaintiffs' objections thereto, and a <u>de novo</u> review of the record, the Court concludes that the recommendation to deny the Plaintiff's Motion for Summary Judgment and grant the Defendant's Motion for Summary Judgment is correct and in accordance with law.

Accordingly, the findings and conclusions of the magistrate are accepted, and Plaintiff's Motion for Summary Judgment is DENIED and the Defendant's Motion for Summary Judgment is GRANTED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the magistrate is hereby AFFIRMED.

Signed: November 22, 2013

Graham C. Mullen United States District Judge